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# Appeal Decision

Site visit made on 4 April 2017

**by Sue Glover BA (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 April 2017**

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**Appeal Ref: APP/T3725/D/17/3168694**

**21 Mollington Grove, Hatton Park, Hatton, CV35 7TU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Martin Harrell against the decision of Warwick District Council.
  - The application Ref W/16/1660, was refused by notice dated 18 November 2016.
  - The development proposed is the erection of a single storey rear extension and a first floor side extension above the garage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy
  - the effect on the openness of the Green Belt and the purposes of including land within it
  - the effect of the proposed first floor extension on the visual amenity of the Green Belt
  - if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Inappropriate development?*

3. The appeal dwelling is located within a residential street with large open spaces in the wider setting. The area is washed over by the Green Belt. Although the area is partially built up, nonetheless Green Belt policies apply.
  4. Paragraph 87 of the Framework states, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
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5. Paragraph 89 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy RAP2 of the Warwick District Local Plan (LP) indicates that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwelling. The subtext to the policy indicates, as a guide, that additions which represent an increase of more than 30% to the gross floor space of an original dwelling in the Green Belt are likely to be considered disproportionate. LP Policy RAP2 is broadly consistent with the objectives of paragraph 89 of the Framework.
7. The appeal dwelling, which has not been previously extended, has an original floor space of about 95 square metres. The proposal, incorporating both the first floor side extension and the single storey rear extension, would have a total floor space of about 58 square metres, representing an increase beyond the original of about 61%.
8. The policies in the Framework and the development plan make clear that the test is one of proportionality. Whilst the 30% figure is only a guide and each case will be considered on its merits, the proposal with a 61% increase would be a significant in proportionate terms beyond the original floor space. Even taking into account the demolition of the summer house, the proposed extensions taken together are clearly significantly in excess of the guide figure. There would be disproportionate additions over and above the size of the original building.
9. The proposed extensions are therefore inappropriate development in the Green Belt and there is conflict with the Framework and development plan policy in this respect. Inappropriate development in the Green Belt attracts substantial weight against the development.
10. The appellant indicates that he is willing to reduce the size of the rear extension and that a condition could be imposed to enable this to occur. However, the appeal is made against the proposal as it was submitted to the Council, and any new scheme would require a fresh application.

*The effect on openness of the Green Belt*

11. Openness implies freedom from built development rather than the visual effect of the proposed extension. It is one of the essential characteristics of the Green Belt as indicated in paragraph 79 of the Framework.
12. Taking into account my findings that the proposed extensions would be disproportionate additions beyond the original dwelling house, there would be a loss of openness from the proposed extensions that would be significant in Green Belt terms. There would be conflict with paragraph 79 of the Framework in this respect.

*The effect on the visual amenity of the Green Belt*

13. The street on this side is characterised by a mix of detached, semi-detached and terraced dwellings that are closely spaced together and have similarities in design with steeply pitched roofs. The proposed first floor extension above the garage at no. 21 would reflect the design of the original dwelling with a steeply

pitched roof set down just below the main roof ridge, appearing generally subservient. The design of the proposed first floor extension would therefore not appear out of place in the street scene.

14. Moreover, the gap would be maintained between the 2 dwellings at nos. 21 and 23, which are separated by no. 23's driveway positioned at a lower level. There would be no setback from the common side boundary at first floor level as recommended by the Residential Design Guide, but there would remain a clear distinction between the 2 buildings. No terracing effect would be created by the appeal proposal.
15. I therefore find no material harm to the visual amenity of the Green Belt. There is no conflict in this respect with LP Policy DP1, which requires development to positively contribute to the character and quality of its environment through good layout and design.
16. The development plan policy is compatible in this respect with paragraphs 17 and 60 of the Framework that seek to secure a high quality of design, and to reinforce local distinctiveness. There would be no conflict with the Framework in these respects, as well as with paragraph 81 that aims to retain and enhance the visual amenity of the Green Belt.

*Other matters and conclusions*

17. The appellant is a long-time resident of the area and desires more living space to accommodate his family. However, personal circumstances rarely outweigh more general planning considerations so that I am able to place only limited weight on this matter.
18. I am also told that there are similar extensions nearby, including at no. 16, and that the Council has given conflicting advice. However, the circumstances of any dwelling and proposal may vary so that I have judged this appeal proposal on its own individual merits against the prevailing policies.
19. I have taken into account all other matters, including all the policies in the Framework, and other national planning policy and guidance. To conclude, I find that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special considerations necessary to justify the development do not exist. The appeal therefore does not succeed.

*Sue Glover*

INSPECTOR